

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

MARCOS TADEO GALAN-PAREDES,	:	
	:	
	:	
Petitioner	:	CIVIL NO. 1:CV-06-1730
	:	
vs.	:	(Judge Caldwell)
	:	
WARDEN KAREN F. HOGSTEN,	:	
	:	
Respondent.	:	

M E M O R A N D U M

Petitioner, Marcos Tadeo Galan-Paredes, serving time on a federal conviction for illegal reentry by a deported alien, filed a pro se petition under 28 U.S.C. § 2241 for a writ of habeas corpus, challenging the calculation of his sentence by the Federal Bureau of Prisons (the BOP). He alleged the BOP erroneously refused to give him credit for time he spent in custody from June 10, 2001, the date of his arrest after a traffic stop, through October 25, 2001, the date of his federal indictment, a period of about four and one-half months. Respondent countered that Galan-Paredes was not entitled to credit for any of this time because it was spent in INS (now ICE) custody awaiting a determination of whether he should be deported and not time spent in official detention on the criminal charges against him.

On January 3, 2007, we decided that if at some point before the indictment was filed, immigration authorities had decided to hold Petitioner for criminal prosecution he should be given credit for that time. *Galan-Paredes v. Hogsten*, 2007 U.S. Dist. LEXIS 86, at \*11-12, 2007 WL 30329, at \*4 (M.D. Pa.). We required Respondent to submit additional evidence so that we could make that determination.

Respondent has complied. An INS "report of investigation" indicates that INS decided to prosecute Petitioner for illegal reentry on September 5, 2001, the date it was confirmed that Galan-Paredes was the same Galan-Paredes who had been removed on September 22, 1999. (Doc. 14, Ex. 1). Petitioner should therefore be given credit on his federal sentence from September 5, 2001, through October 24, 2001, the date before his federal indictment.

We will issue an appropriate order.

/s/William W. Caldwell  
William W. Caldwell  
United States District Judge

Date: January 26, 2007

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	:	
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O R D E R

AND NOW, this 26th day of January, 2007, it is ordered  
that:

1. Respondent and the BOP shall credit  
Petitioner's sentence for the time period  
from September 5, 2001, through October  
24, 2001.
2. The Clerk of Court shall close this  
file.

/s/William W. Caldwell  
William W. Caldwell  
United States District Judge